IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 16500 of 2004

Between:

1 Ommi Appayamma W/o. Appala Naidu,
R/o. D.No.11-14/1, Carpenter Colony, Near
Madhurawada, Chinagadili Mandal (Ruiral),
Visakhapatnam-41.
2 Ommi Umadevi W/o. Sanyasi Rao R/o. D.No. 11-14-15,
Carpenter Colony, Near Madhurawada, Chinagadili
Mandal (Rural), Visakahapatnam-41.
3 Ommi Jagga Rao S/o. Appala Naidu R/o. D.No. 11-14/4,
Carpenter Colony, Near Madhurawada, Chinagadili
Mandal (Rural), Visakhapatnam 41.

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam, Visakhapatnam
District.
2 The Mandal Revenue Officer, Chinagadili Mandal
(rural), Visakhaptnam.
3 The District Panchayat Officer, Collectorate Premises,
Visakhapatnam, Visakhapatnam District.
4 The Executive Officer, Gram Panchayat Office,
Madhurawada, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any order or writ more particularly one in the nature of writ of Mandamus directing the respondents not to demolish the structure in D.Nos.11-14/1, 11-14-15, 11-14/4 in Plot Nos. 32, 62 and 86 of Carpenter Colony, Near Madhurawada, Chinagadili Mandal (Rural), Visakhjapatnam 41, while declaring the action of the

respondents in proposing to demolish the structures in Sy.No.27 and Plot Nos. 32, 62 and 86 of Carpenter Colony, Near Madhurawada, Chinagadili Mandal (Rural), Visakhapant-41, without following due process of law and without serving any notice, as wholly illegal, arbitrary and contrary to law and opposed to the principles of natural justice.

Counsel for the Petitioners: MR.SUBRAHMANYAM KURELLA

Counsel for Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Panchayat Raj and Rural Development for the respondents. Both have no objection for disposal of the writ petition at the admission stage.

The petitioners who claim to be the owners of the house property bearing D.Nos.11-14/1, 11-14-15, 11-14/4 in Plot Nos.32, 62 and 86 of Carpenter Colony, Near Madhurawada, Visakhapatna filed this writ petition apprehending that respondents 1 and 2 are trying to demolish their properties. The basis for such apprehension as stated in the affidavit is that on 5-9-2004 some of the officials of respondents 1 and 2 without issuing any notice and making an enquiry, came to the petitioners' houses and demanded to vacate and deliver the possession of property to them as the property belongs to the Government. Hence the petitioners moved this court by invoking the extraordinary jurisdiction of this court under Article 226 of the Constitution of India.

Unless proposed action is intimated to the petitioners, it

cannot be presumed that the respondents 1 and 2 will not follow due procedure for eviction of the petitioners. It has been held by this court in a catena of decisions that no citizen or owner or encroacher can be deprived of his property unless he is put on notice, and, only on initiation of proceedings under the Land Encroachment Act or under the Gram Panchayat Act, one can be evicted from his property. The respondents have to follow the said procedure before evicting the petitioners.

With the above observation, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

15th September, 2004.
Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Visakhapatnam, Visakhapatnam District.
2 The Mandal Revenue Officer, Chinagadili Mandal (rural), Visakhaptnam.
3 The District Panchayat Officer, Collectorate Premises, Visakhapatnam, Visakhapatnam District.
4 The Executive Officer, Gram Panchayat Office, Madhurawada, Visakhapatnam District.
5 2 CCs to G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.
6 2 CD copies.